

REMARKS

Claims 1-22 were originally pending in this application. Claims 3, 5, 6, 10, 16, 19, 20, and 22 were withdrawn from consideration by the Examiner in view of an earlier restriction requirement. The Applicant has cancelled independent claim 15 and claims 16-20 depending therefrom. The limitations of claim 7 have been incorporated into independent claim 1 and, accordingly, claim 7 has been cancelled. Claim 8 has been amended to depend from amended independent claim 1. Independent claim 21 has been amended in accordance with the Examiner's claim objection suggestion. Therefore, claims 1-2, 4, 8-9, 11-14, and 21 remain in this application.

Claim Objections

Claims 1 and 21 stand objected to for informalities. The Applicant has amended these claims to replace the phrase "box-like" with the phrase "box-shaped", as suggested by the Examiner. Reconsideration of these objections is respectfully requested. The objection to claim 15 is deemed moot in light of claim 15 being cancelled.

35 U.S.C. §112 Rejections

The rejection of claim 17 is deemed moot in light of claim 17 being cancelled.

35 U.S.C. §102 Rejections

The anticipation rejections of claims 15, 17, and 18 are deemed moot in light of claims 15, 17, and 18 being cancelled.

35 U.S.C. §103 Rejections

Claim 1 has been amended to incorporate the limitations of claim 7. Claim 7 stands rejected under 35 U.S.C. §103(a) for obviousness based upon United States Patent No. 4,905,855 to Troiano et al. in view of United States patent No. 1,873,690 to Ward, and further in view of United States Patent No. 6,929,142 to Gilbert. Specifically, the Examiner states that Gilbert "shows a flap structure with a pair of side flaps pivotally connected to a posed position where the center of the container is only partially covered." The Examiner then argues that it would have been obvious to one having ordinary skill in the art to

incorporate the pair of side flaps, as taught by Gilbert to the invention taught by Troiano and Ward.

However, the invention disclosed in Gilbert is a removable hatch cover (18) for a floating roof liquid storage tank (10). Specifically, the hatch cover is situated in an area below the top of the tank and includes hinged panels that can open to allow an inspection vehicle (30) to be lowered therethrough. The vehicle inspects for cracks and corrosion within the tank (see column 5, lines 1-5). Cutouts (76, 78) in the panels allow an umbilical cord to pass through the hatch cover to the vehicle. In light of the foregoing disclosure of Gilbert, the applicant views Gilbert as non-analogous art.

To rely on a reference under 35 U.S.C. §103, the reference must be analogous prior art (See MPEP 2141.01(a)). “In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Clearly, the Gilbert reference is neither in the field of carriers for transporting pressurized cylinders, nor is it pertinent (reasonable or otherwise) to the problem of securing a pressurized cylinder in a container. Gilbert has nothing to do with suggesting anything in a container. Gilbert merely discloses an access latch for a storage tank.

Claim 21 stands rejected for obviousness for the same reasons as claim 7, with the addition of arguments set forth with respect to United States Patent No. 4,767,139 to Hansing. Claim 21 includes a similar side flap limitation as found in amended claim 1, against which the Gilbert patent has been asserted by the Examiner. Accordingly, the Applicant hereby submits the same arguments for claim 21 with respect to the non-analogous nature of the Gilbert patent as were set forth above with respect to claim 1.

For the foregoing reasons, the Applicant believes that the subject matter of amended independent claims 1 and 21 is not rendered obvious by the prior art of record in view of the Gilbert patent. Reconsideration of the rejections of claims 1 and 21 is respectfully requested. Claims 2, 4, 8-9, and 11-14 depend from and add further limitations to amended independent claim 1 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 1.

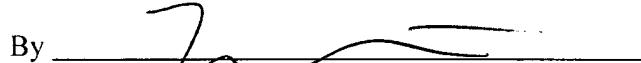
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CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-2, 4, 8-9, 11-14, and 21 are respectfully requested.

Respectfully submitted,

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